

Hearing Date and Time: April 21, 2021, at 10:00 a.m. (prevailing Eastern Time)
Objection Date and Time: April 18, 2021, at 4:00 p.m. (prevailing Eastern Time)

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re

PURDUE PHARMA, INC., et al.,¹

Debtors.

Chapter 11

**Case No. 19-23649 (RDD)
(Jointly Administered)**

**NOTICE OF HEARING ON MOTION TO WITHDRAW MOTION TO PERMIT THE
FILING OF A CLASS PROOF OF CLAIM, AND TO
ALLOW FILING OF 272 NAS CLAIMANT PROOFS OF CLAIM**

PLEASE TAKE NOTICE that on April 7, 2021, Movant Tiffany Dunford as Next Friend of T.N. Dunford, filed a *Motion to Withdraw Motion to Permit the Filing of a Class Proof of Claim and to Allow Filing of 272 NAS Claimant Proofs of Claim* (the “**Motion to Withdraw**”). A hearing on the Motion to Withdraw will be held **April 21, 2021 at 10:00 a.m.** (prevailing Eastern Time) (the “**Hearing**”) before the Honorable Judge Robert D. Drain, United States Bankruptcy Judge,

¹ The Debtors in these Chapter 11 cases are: Purdue Pharma L.P., Purdue Pharma, Inc., The Purdue Frederick Company, Inc., and other Purdue related entities or individuals. For ease of reference, “Purdue” as used herein, refers to all of the Debtor entities and persons.

United States Bankruptcy Court for the Southern District of New York, at the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 (the “**Bankruptcy Court**”), or at such other time as the Bankruptcy Court may determine, provided that, pursuant to General Order M-543 dated March 20,2020 (Morris, C.J.) (“**General Order M-543**”), such Hearing shall be conducted telephonically so long as General Order M-543 is in effect or unless otherwise ordered by the Bankruptcy Court.²

PLEASE TAKE FURTHER NOTICE that copies of the Motion to Withdraw may be obtained free of charge by visiting the website of Prime Clerk LLC at <https://restructuring.primeclerk.com/purduepharma>. You may also obtain copies of any pleadings by visiting the Bankruptcy Court’s website at <http://www.nysb.uscourts.gov> in accordance with the procedures and fees set forth therein.

PLEASE TAKE FURTHER NOTICE that parties wishing to appear at, or attend, the Hearing must refer to and comply with the Bankruptcy Court’s guidelines for telephonic appearances³ and make arrangements through CourtSolutions LLC by telephone at (917) 746-7476 or online at www.court-solutions.com. Instructions to register for CourtSolutions LLC are attached to General Order M-543.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Motion shall be in writing, shall comply with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York, shall be filed with the Bankruptcy Court (a) by attorneys practicing in the Bankruptcy Court, including attorneys admitted *pro hac vice*, electronically in accordance with General Order M-399 (which can be found at

² A copy of General Order M-543 can be obtained by visiting <http://www.nysb.uscourts.gov/news/court-operationsunder-exigent-circumstances-created-covid-19>.

³ The Bankruptcy Court’s procedures for telephonic appearances are available at: <http://www.nysb.uscourts.gov/telephonic-appearances-white-plains>.

www.nysb.uscourts.gov), and (b) by all other parties in interest, on a CD-ROM, in text searchable portable document format (PDF) (with a hard copy delivered directly to Chambers), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and shall be served in accordance with General Order M-399 and the Amended Order Establishing Certain Notice, Case Management, and Administrative Procedures entered on November 18, 2019 [ECF No. 498], so as to be filed and received no later than **April 18, 2021, at 4:00 p.m. (prevailing Eastern Time) (the “Objection Deadline”).**

PLEASE TAKE FURTHER NOTICE that objecting parties are required to attend the Hearing and a failure to appear may result in relief being granted upon default; *provided* that objecting parties shall attend the Hearing **telephonically** so long as General Order M-543 is in effect or unless otherwise ordered by the Bankruptcy Court.

PLEASE TAKE FURTHER NOTICE that if no Objections are timely filed and served with respect to the Motion, the Movant may, on or after the Objection Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed to the Motion, which order may be entered without further notice of opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that the Hearing may be continued or adjourned thereafter from time to time without further notice other than an announcement of the adjourned date or dates at the Hearing or a later hearing.

DATED this 7th day of April 2021.

**STUTZMAN, BROMBERG, ESSERMAN &
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Chapter 11

**Case No. 19-23649 (RDD)
(Jointly Administered)**

**MOTION TO WITHDRAW MOTION TO PERMIT THE
FILING OF A CLASS PROOF OF CLAIM, AND TO
ALLOW FILING OF 272 NAS CLAIMANT PROOFS OF CLAIM**

1. On July 15, 2020, Movant Tiffany Dunford as Next Friend of T.N. Dunford, filed a *Motion to Permit the Filing of a Class Proof of Claim* [Docket No. 1408] (the “WV NAS Class Motion”), asking this Court to: (a) exercise its discretion pursuant to Fed. R. Bankr. P. 9014(c) and apply Fed. R. Bankr. P. 7023 to a class proof of claim; (b) accept for filing a class proof of claim filed by Movant as class representative on behalf of all similarly situated claimants, and certify a class of “All children born in the State of West Virginia on or after October 1, 2016, who have

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been identified by the Birth Score/Project WATCH program as having been diagnosed with Neonatal Abstinence Syndrome” (the “WV NAS Class”); and (c) appoint Movant’s counsel as Class Counsel. The Court took Movant’s WV NAS Class Motion, among other motions pending at the time, under advisement and sent the parties to mediation.

2. The mediation has concluded, and Movant’s counsel reached an agreement with the Ad Hoc Group of Personal Injury claimants and the NAS Children Ad Hoc Committee, as follows: In exchange for the dismissal of the WV NAS Class Motion, the 272 children listed in Exhibit A hereto (the “Exhibit A Claimants”), who are children with NAS born in West Virginia on or after October 1, 2016 who have not already filed a claim in this case, are each permitted to file individual proofs of claim no later than April 15, 2021; that each such claim will include a sworn affidavit or declaration under penalty of perjury from the parent/guardian/custodian of the child that such parent/guardian/custodian was unaware of the Purdue bankruptcy or the bar date in this case (see “Exhibit B” to this Motion); that such claims filed by April 15, 2021 would be considered timely for all purposes but would otherwise still have to qualify for payment under the plan approved by this Court; that the Exhibit A Claimants would not object to the proposed trust distribution procedures covering NAS claimants in this case so long as the Exhibit A Claimants are treated in a substantially similar manner as other similarly situated NAS claimants. In addition, and subject to the relief requested below, the Exhibit A Claimants agree to not raise issues with respect to the effectiveness of notice in West Virginia (or in general) of the bar date in this case.

3. The attached list of the Exhibit A Claimants gives each NAS child’s initials and date of birth. The Ad Hoc Group of Personal Injury claimants and NAS Children Ad Hoc Committee have already received this list and agreed not to object to the timeliness of such proofs of claim filed by April 15, 2021 and will not encourage other parties to object.

REQUEST FOR RELIEF

4. Accordingly, Movant respectfully requests that in light of the agreement reached between Movant, the Ad Hoc Group of Personal Injury claimants and the NAS Children Ad Hoc Committee, the Court order that (a) the Movant may withdraw her WV NAS Class Motion, and (b) in exchange for the withdrawal of her Motion, the 272 children listed in Exhibit A hereto are each permitted to file individual proofs of claim no later than April 15, 2021, and such claims shall be treated as timely for all purposes, and (c) upon the granting of the relief requested in (a) and (b) above by final order, such withdrawal of the Motion by Movant will be with prejudice. In the alternative, should this Motion be denied, Movant respectfully requests a hearing on her WV NAS Class Motion.

NOTICE

Notice of this Application has been provided to the following parties: (i) the entities on the Master Service List (as defined in the Case Management Order and available on the Debtors' case website at <https://restructuring.primeclerk.com/purduepharma>) and (ii) all parties registered for service on the Court's ECF filing system. The Movant respectfully submits that no other or further notice is required.

DATED this 7th day of April 2021.

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